

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MC Brands, LLC, a limited liability company,

Case No.: 2:19-cv-00481-JAD-CHW

Plaintiff

Remand Order

V.

[ECF No. 5]

CWNevada, LLC, a limited liability company,

Defendant

9 MC Brands, LLC, filed this misappropriation of trade-secrets and breach-of-a-licensing-
10 agreement action based entirely on state-law claims in Nevada State Court. After the state-court
11 judge granted MC's motion for a temporary restraining order and scheduled a preliminary
12 injunction hearing for April 19, 2019, Defendant CWNevada, LLC removed this case to federal
13 court, citing diversity jurisdiction.¹ MC promptly moved to remand this case back to state court
14 under 28 U.S.C. § 1447(c), explaining that complete diversity is lacking because both the
15 plaintiff and defendants are limited-liability companies that have at least one Nevada-citizen
16 member.² CWNevada opposes the motion and argues that this case could have been removed
17 based on either diversity or federal-question jurisdiction.³

|¹ ECF No. 1.

²² ECF No. 5. See *Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006) (“like a partnership, an LLC is a citizen of every state of which its owners/members are citizens”).

³ ECF No. 13.

The burden to establish removal jurisdiction is on the defendant, as the removing party here.⁴ Because the defendant has not met that burden, and for the reasons stated on the record during today's oral argument on the motion to remand, I remand this case under 28 U.S.C. § 1447(c). IT IS THEREFORE ORDERED that

- Plaintiff's Emergency Motion to Remand [ECF No. 5] is GRANTED; and
- The Clerk of Court is directed to REMAND this case back to the Eighth Judicial District Court for Clark County, Nevada, Case No. A-19-789678-B, Department 11, and CLOSE THIS CASE.

Dated: April 12, 2019

U.S. District Judge Jennifer A. Dorsey

²³ ⁴ See *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992) (“The ‘strong presumption’ against removal jurisdiction means that the defendant always has the burden of establishing that removal is proper.).